

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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RONALD GAINES,

Plaintiff,

vs.

TRINITY PHARRIS, et al.,

Defendants.

2:13-cv-00174-JCM-NJK

ORDER

Before the Court is Plaintiff Ronald Gaines' Motion for Discovery Pursuant to Fed.R.Civ.P. 26(f), LR 26-1, Fed.R.Civ.P. 16(B), and LR 16-1, Docket No. 16. Plaintiff requests that the Court order discovery and a Scheduling Order. *Id.*

Plaintiff is correct that Rule 26 entitles parties to discovery; however, pursuant to Rule 26(d), neither party is generally required to provide any discovery until after the Rule 26(f) conference occurs.¹ To date, no 26(f) conference has occurred nor has Plaintiff shown good cause for why discovery should occur before the conference. Therefore, this request for discovery is denied.

Plaintiff's request is also denied for failure to comply with Fed.R.Civ.P. 37(a)(2)(B), Fed.R.Civ.P. 34, and LR 26-7. Once discovery begins, the parties must meet and confer in good faith and attempt to resolve their discovery disputes before bringing the matter before the Court. *See* Fed.R.Civ.P. 37(a)(2)(B) and LR 26-7. Plaintiff has not shown that he has made any discovery request from Defendants nor that he has attempted in good faith to meet and confer with Defendants concerning his discovery requests prior to filing this motion with the Court.

¹Under LR 26-1(d), the Fed. R. Civ. P. 26(f) meeting must occur "within thirty (30) days after the first defendant answers or otherwise appears." Then, "[f]ourteen (14) days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated discovery plan and scheduling order." Here, the Answer is not due until October 28, 2013, and the Rule 26(f) conference should be held within 30 days thereafter. The Court anticipates a Discovery Plan and Scheduling Order will be filed on or before December 12, 2013.

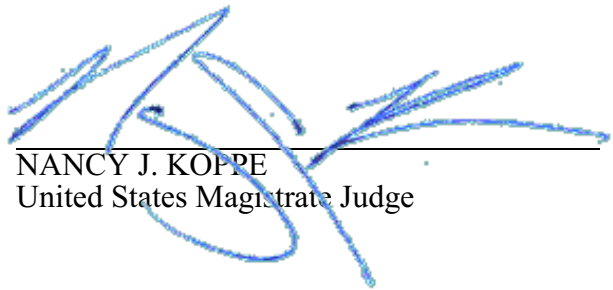
1 Finally, requests for production must comply with Fed.R.Civ.P. 34. The Court finds that
2 Plaintiff's request does not meet these requirements. Accordingly, Plaintiff's Motion, Docket No.
3 16, shall be denied.

4 **CONCLUSION**

5 Based on the foregoing, and good cause appearing therefore,

6 IT IS HEREBY ORDERED that Plaintiff Ronald Gaines' Motion for Discovery Pursuant
7 to Fed.R.Civ.P. 26(f), LR 26-1, Fed.R.Civ.P. 16(B), and LR 16-1, Docket No. 16, is DENIED.

8 DATED this 17th day of October, 2013

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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